

4-3-11 Processors, manufacturers, or distributors -- Unlawful to give money, equipment, or fixtures to retailer or consumer -- Exceptions -- Shelf space for dairy products.

- (1) As used in this section:
 - (a) "liquid dairy product" means a milk container which contains a pint of milk or less; and
 - (b) "novelty ice cream" means a package or container of ice cream which contains eight fluid ounces or less.
- (2) Except as provided in Subsections (3) and (4), no processor, manufacturer, distributor, or his affiliates, subsidiaries, associates, agents or stockholders shall furnish, service, repair, give, lease, sell, or loan to a retailer or consumer any:
 - (a) money;
 - (b) equipment;
 - (c) fixtures, including ice cream cabinets or bulk milk dispensers;
 - (d) supplies, excluding expendable supplies commonly provided in connection with the sale of dairy products to a consumer; or
 - (e) other things having a real or substantial value.
- (3)
 - (a) Ice cream cabinets may be loaned or sold to a retailer if the ice cream cabinet:
 - (i) is portable;
 - (ii) has a storage capacity not exceeding 12 cubic feet; and
 - (iii) is used solely for retail display sales of novelty ice cream.
 - (b) Milk coolers may be loaned or sold to a retailer if the milk cooler:
 - (i) is portable;
 - (ii) has a storage capacity not exceeding 12 cubic feet; and
 - (iii) is used solely for retail display sales of liquid dairy products.
- (4) The leasing or renting of cabinets, dispensers, or coolers for dairy products for civic affairs, demonstrations, or exhibits is prohibited unless it is for a period of 10 days or less in any one period of three consecutive months.
- (5)
 - (a) Except as provided in Subsections (5)(b) and (5)(c), no retailer shall lease, sell, or loan shelf or refrigerator space for dairy products to a processor, manufacturer, or distributor or receive anything of value from a processor, manufacturer, or distributor in exchange for shelf or refrigerator space for dairy products.
 - (b) Subsection (5)(a) does not apply to a dairy by-product that is:
 - (i) a short-term special; or
 - (ii) a new product being introduced on a trial basis for a period not to exceed 45 days.
 - (c) A processor, manufacturer, or distributor may loan or sell an ice cream cabinet or milk cooler to a retailer for the display of the processor's, manufacturer's, or distributor's products, if the ice cream cabinet or milk cooler meets the requirements of Subsection (3).

Amended by Chapter 87, 2001 General Session